

REMARKS

Claim 1 has been amended to delete the phrase objected to by the Office. Although applicants believe the definition is clear, in order to simplify prosecution, reference to the possibility of two R' forming a fused ring has been deleted. Also, in claim 1, the word "phenyl" is deleted as duplicative of the first 6-membered ring structure shown in the series of formulae. The additional phrase following the depiction of the formulas "each optionally substituted by R" " is made to make claim 1 consistent with claim 10 and thus does not constitute new matter. Entry of the amendment is respectfully requested.

Claim 10 has been extensively amended. Applicants apologize for an evident and unexplainable word-processing error in the presentation of the claim in the previous amendment. The flagged R groups in the rings should have been R" and the occurrence of "O" in inappropriate places in the definitions is difficult to explain. Clearly this is a straight word-processing error.

The objected to phrase "two or more R" groups may form a fused ring" has been changed throughout to "two adjacent R" groups may form a fused ring" thus obviating this basis for rejection. Additional changes have been made with respect to formulas IV-a and IV-b in claim 10. In reviewing the structures, it is apparent that a cannot possibly be more than 3 and b cannot possibly be more than 1. It will be recalled that even where B is absent, a bond must be available to link this group to the remainder of the molecule. Similarly, in formula V-a and V-b, it would not be possible for either a or b to be greater than 1. These stipulations have been corrected.

Similar word-processing errors to those that occurred in claim 10 are also found in claims 18, 19 and 30 and these have been corrected.

A revised abstract is enclosed.

It is believed the foregoing amendments clearly dispose of the rejections under 35 U.S.C. § 112, paragraph 2, and the objection to the abstract.

Non-Elected Inventions.

Applicants assume that the Office is not referring to the maintenance of claim 57 (representative of Group III) in the application as it was indicated, properly, that this claim would be rejoined upon allowance of the composition claims from which it depends.

Applicants are grateful for the explanation provided by Examiner Habte in the above-referenced telephone conversation. It is understood that restriction is based on the classification system, and that embodiments are deleted wherein there is more than one nitrogen appearing in a 6-membered ring system. Multiple heteroatoms in 5-membered rings are included in the invention examined and thus, the first nine 5-membered ring compounds listed in claim 1 are properly retained in this application as are the benzene and pyridine residues shown in row 1 of the formulas listed.

Applicants have deleted those embodiments in the listing which do contain more than one nitrogen in a 6-membered ring. It has further been noted that formulas 3-6 in row 2 are actually incorrect as they provide a tetravalent nitrogen, and these have been deleted. It is believed that the amendment to claim 1 conforms with applicants' election.

Claim 10 contains only elected species. It appeared at first that formulas V-a and V-b were not properly dependent on claim 1 because there are no fused ring systems containing eight members shown in this depiction. However, upon reflection, those embodiments would be obtained by the possibility that adjacent R'' groups can optionally form a fused ring. Therefore, these embodiments have been retained in claim 10 and claims 28-30 have been retained as well.

Applicants have thus attempted to conform with the Restriction Requirement as stated.

Conclusion

The claims have been amended to overcome the outstanding paragraph 2 rejections and a new abstract has been supplied. Again, applicants apologize for the typographical errors in claim 10 as previously submitted. As to the Restriction Requirement, applicants have attempted to conform the claims to the elected invention and have canceled non-elected subject matter. Applicants believe, therefore, that claims 1, 6, 10, 16-20, 23-26, 28-30, 43-45, 47-49, 53 and 57 are in a position for allowance and passage of these claims to issue is respectfully requested.

If minor issues remain that could be resolved by telephone, a call to the undersigned is respectfully requested. Applicants appreciate the courtesy and helpfulness of Examiner Habte in delineating the Restriction Requirement.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 219002029210.

Respectfully submitted,

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